

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 14, 2006. At the time of the Office Action, Claims 6-15 were pending in this Application. Claims 1-5 were previously cancelled by Applicants without prejudice or disclaimer. Claims 6-15 stand rejected. Claims 6 and 10 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 6-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,778,971 issued to Steven J. Altschuler et al. ("Altschuler") in view of U.S. Patent 6,445,963 issued to Terrence L. Blevins et al. ("Blevins"). Applicants believe that the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

In the last response to office action Applicants explained that the present claim define that the main clock source is selected from a plurality of clock sources, the plurality of clock sources include at least an internal timer of the industrial controller, an internal timer of a communication bus, a clock source within an external device, and a clock source within a technological process. The Examiner responded : "Applicants are not even claiming "selecting one of the clock sources from the group of clock sources consisting of: an internal

timer of the industrial controller, an internal timer of a communication bus, a clock source within an external device, and a clock source within a technological process.” Applicants respectfully disagree. Former Claim 10 clearly included this limitation.

On the merits however and to further prosecution, Applicants amended the independent claims to include that the system or method at least comprise or provide the four clock sources as stated in these claims and further comprise selection of one of these clock sources as a main clock.

None of the cited prior art discloses this limitation. Therefore, Applicants believe that all independent claims are now allowable. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

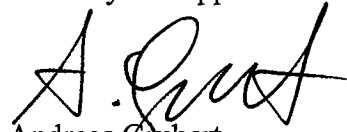
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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Attorney for Applicants

A handwritten signature in black ink, appearing to read 'A. Grubert', is written over the typed name.

Andreas Grubert
Limited Recognition No. L0225
Expires June 30, 2006
Limited Recognition Under 37 C.F.R. §11.9(b)

Date: June 12, 2006

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